IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 160 (S/B) of 2005

Ram Singh Kharayat, aged about 54 years,
S/o Sri D.S. Kharayat,
Presently posted as Incharge Engineer,
Zila Panchayat, Pithoragarh, Uttaranchal

.... Petitioner

Versus

1. State of Uttaranchal through
   Secretary, Panchayati Raj, Dehradun
2. Joint Director, Directorate,
   Panchayati Raj, Dehradun
3. Sri Mohan Chandra Garkoti, presently posted as Junior Engineer (Adhoc basis) Zila Panchayat, Pithoragarh
4. Zila Panchayat through its Upper Mukhya Adhikari, Pithoragarh

...Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal,J.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned transfer order dated 26.07.2005 passed by Respondent No.2- Joint Director, Directorate, Panchayati Raj, Dehradun (Annexure No. 1 to the writ petition) by which the petitioner has been transferred to the office of Zila Panchayat, Nainital from the office of Zila Panchayat, Pithoragarh.

2. The impugned transfer order has been challenged on the ground that the petitioner has been subjected to repeated transfer and also the impugned order has been passed on the behest of Respondent No.3 who by obtaining political pressure has succeeded in transfer of the petitioner from Zila Panchayat, Pithoragarh to Zila Panchayat, Nainital.

3. The petitioner vide order dated 30.06.2005 was transferred from Zila Panchayat, Champawat to Zila Panchayat, Uttarkashi in public interest. The said transfer order dated 30.06.2005 was amended vide order dated 08.07.2005 and petitioner was transferred to Zila Panchayat, Pithoragarh. On 13.07.2005, the petitioner was relieved from Zila Panchayat, Champawat and the charge of the petitioner was handed over to next incumbent by the Chief Officer, Zila Panchayat, Champawat on the same date. Thereafter, the petitioner gave joining in the office of Adhyaksh, Zila Panchayat, Pithoragarh on 14.07.2005 and simultaneously he gave joining to District Magistrate, Pithoragarh on the same day. The petitioner since the date of joining at Zila Panchayat, Pithoragarh has attended the office till 24.07.2005. On 26.07.2005, the petitioner was transferred from the office of Zila Panchayat, Pithoragarh to the office of Zila Panchayat, Nainital. A perusal of the impugned transfer order dated 26.07.2005 reveals that the petitioner was transferred from Pithoragarh to Nainital on administrative grounds. This order was stayed by this Court on 29.07.2005.

4. We have heard learned counsel for the parties and have gone through the record.

5. It appears that the petitioner was transferred in the mid session. In the interest of justice, we feel it appropriate that the petitioner shall not be disturbed till the next annual transfer chain is made by the State Government. The petitioner shall be transferred as and when next annual general transfer is made by the State Government.

6. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

01.03.2006
R. Dang